

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Criminal No. 02-CR-80216-02

Civil No. 08-10812

vs.

HON. GEORGE CARAM STEEH

LUTHER McCASKILL,

Defendant.

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ORDER DENYING CERTIFICATE OF APPEALABILITY

On February 26, 2008, petitioner Luther McCaskill filed a petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2255, to vacate, set aside or correct his sentence. On July 31, 2008 this Court dismissed petitioner's petition for writ of habeas corpus, and on August 18, 2008 denied petitioner's motion for reconsideration of same.

Before petitioner can appeal this court's decision, a certificate of appealability must issue. 28 U.S.C. §2253(c); Fed. R. App. P. 22(b). A certificate of appealability may issue "only if the applicant has made a substantial showing of the denial of a constitutional right." 28 U.S.C. §2253(c)(2). In this case, petitioner alleges violation of his rights to due process of law, to a trial by jury, to have all charges presented to a grand jury, and to equal protection of the law. The Court considered each of these arguments in denying the petition for writ of habeas corpus, and finds that reasonable jurists could not debate that petitioner was either denied a right secured by the constitution or that petitioner should be allowed to proceed further. Accordingly, a certificate of appealability is hereby DENIED.

SO ORDERED.

Dated: October 30, 2008

s/George Caram Steeh  
GEORGE CARAM STEEH  
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on  
October 30, 2008, by electronic and/or ordinary mail.

s/Josephine Chaffee  
Deputy Clerk